

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.144 of 2024

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Sashi Kumar Sadhu Son of Late- Surendra Sadhu, Resident of Village-
Ukhwa, Kursail, Block- Jokhihat, P.S.-Mahalgaon, District- Araria
... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
 2. The District Magistrate, Araria.
 3. The Sub Divisional Officer, Araria.
 4. The Block Supply Officer, Block, Jokihat, Araria. ... Respondents
- =====

Appearance :

For the Petitioner : Mr.Kumar Rajdeep, Adv.
For the Respondents : Mr. Anisul Haque, AC to AAG V

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 18-02-2025

Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“i. For issuance of a writ in the nature of Certiorari for quashing the Order dated 11.02.2023 (Annexure-7) passed by the SDO, Araria whereby and where under the Public Distribution License of the Petitioner bearing License No.143J/2016 has been cancelled.

ii. For issuance of any other relief or relief(s) for which the petitioner is entitled for.”

3. Learned counsel for the petitioner submits that the solitary ground given in the show cause notice dated 23.08.2021 vide Memo No. 765 for cancelling the PDS licence of the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the



aforesaid FIR against the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS. (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS licence. This view finds support from the decision of this Court in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna 113 as well.

6. In view of the above, the impugned order dated 11.02.2023 (Annexure- 7) is hereby quashed and also set aside.

7. Needless to say, supplies to the petitioner shall be restored without delay.

8. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, thereafter, the authorities are free to take necessary action in accordance with law.

9. With the above directions, the Writ Petition stands allowed to the extent indicated.

(A. Abhishek Reddy , J)

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